

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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FAIR ISAAC CORPORATION,

Court File No. 16-cv-1054 (WMW/DTS)

Plaintiff,

v.

FEDERAL INSURANCE COMPANY,  
an Indiana corporation, and ACE  
AMERICAN INSURANCE COMPANY,  
a Pennsylvania corporation,

**FEDERAL'S RENEWED AND  
SECOND AMENDED NOTICE OF  
30(b)(6) DEPOSITION OF  
PLAINTIFF FAIR ISAAC  
CORPORATION**

Defendants.

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TO: Fair Isaac Corporation, c/o Allen Hinderaker, Heather Kliebenstein, and Michael A. Erbele, Merchant & Gould P.C., 3200 IDS Center, 80 South Eighth Street, Minneapolis, MN 55402:

PLEASE TAKE NOTICE that pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Defendant Federal Insurance Company ("Federal") will take the deposition upon oral examination of Plaintiff Fair Isaac Corporation ("FICO") by its designated witness or witnesses regarding the topics identified in Attachment A attached hereto at **9:00 a.m. on February 11, 2019** at the offices of Fredrikson & Byron P.A., 200 South Sixth Street, Suite 4000, Minneapolis, Minnesota. The deposition will be taken before and transcribed by a notary public or other officer authorized to administer oaths and record testimony. The testimony will be recorded by stenographic and videographic means.

TAB E

Dated: February 5, 2019

*s/ Leah C. Janus*

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Terrence J. Fleming (#0128983)

[tfleming@fredlaw.com](mailto:tfleming@fredlaw.com)

Lora M. Friedemann (#0259615)

[lfriedemann@fredlaw.com](mailto:lfriedemann@fredlaw.com)

Leah Janus (#0337365)

[ljanus@fredlaw.com](mailto:ljanus@fredlaw.com)

Christopher D. Pham (#0390165)

[cpham@fredlaw.com](mailto:cpham@fredlaw.com)

**FREDRIKSON & BYRON, P.A.**

200 South Sixth Street, Suite 4000

Minneapolis, MN 55402-1425

(612) 492-7000 (tel.)

(612) 492-7077 (fax)

*Attorneys for Defendants*

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**ATTACHMENT A**

**INSTRUCTIONS**

1. You are required to appear at the taking of a deposition to testify responsive to the following topics. You are required to furnish such information as is available to you, including but not limited to, information known to your officers, employees, agents, or anyone acting for or on your behalf.

2. If you have no information about the subject of a particular category or if for some reason you are unable to answer it, the response should specifically so state.

3. If you assert a claim of privilege in objection to any topic or question, identify the nature and basis of the privilege claimed, and provide as much of the following information as is not encompassed by the privilege: type; general subject matter and purpose; date; the names of persons making or receiving the communication, and of those present when it was made; the relationship of the named person to the author or speaker; and any other information upon which you may rely to support your claim of privilege or the immunity from discovery.

**AMENDED 30(B)(6) DEPOSITION TOPICS**

4. FICO's knowledge with respect to the use of Blaze Advisor® software by Federal and/or Chubb & Son, a division of Federal.

6. FICO's participation with or assistance to Federal and/or Chubb & Son, a division of Federal regarding the use, installation, implementation, downloading of, or programming of the Blaze Advisor® software at Federal and/or Chubb & Son, a division of Federal.

9. FICO's alleged damages in this action.

14. Identification of all FICO employees, representatives, or agents receiving and/or responding to audit request documents, including without limitation, all logs and records of legal requests relating to the software license agreement with Federal.

15. Identification of all FICO employees, representatives, or agents involved in the development in any way the rules that were implemented in Blaze Advisor® for Federal's use.

16. Identification of all rules that were implemented in Blaze Advisor® for Federal's use.

17. FICO's pricing method for Blaze Advisor® for the past eight (8) years.

18. FICO's criteria used in pricing Blaze Advisor® for the past eight (8) years.

19. Compensation information for salespeople for the past eight (8) years.

22. The factual basis for all alleged unlicensed uses of Blaze Advisor® that FICO asserts form the basis for, or support, its claims.

23. All other instances in which FICO has renegotiated or terminated a software license due to a merger, acquisition, or other similar event affecting the licensee, the facts surrounding such renegotiation and/or termination, and the change in license fee and structure (if any).

24. The circumstances under which FICO elects to conduct audits of its licensees, the criteria used to make such a decision, how frequently such audits are conducted, whether an audit was ever considered with respect to the Federal license, and why or why not.